

ORIGINAL

Approved: Juliana N. Murray
 JULIANA N. MURRAY
 Assistant United States Attorney

Before: KEVIN NATHANIEL FOX
 United States Magistrate Judge
 Southern District of New York

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

18 MAG 5448

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	:	
UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
	:	
- v. -	:	Violations of 18 U.S.C.
	:	§§ 2422(b), 2251(a),
JOEL DAVIS,	:	(e), 2252A(a)(2)(B),
	:	(a)(5)(B), (b)(1),
Defendant.	:	(b)(2), and 2
	:	
- - - - -	X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

AARON SPIVACK, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Enticement of a Minor to
Engage in Illegal Sexual Activity)

1. In or about June 2018, in the Southern District of New York and elsewhere, JOEL DAVIS, the defendant, willfully and knowingly, did use a facility and means of interstate and foreign commerce to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years to engage in sexual activity for which a person can be charged with a criminal offense, and attempted to do the same, to wit, DAVIS used a telephone to arrange a meeting to engage in sexual activity with a thirteen-year-old boy and met with a thirteen-year-old boy to engage in sexual activity, in violation of New York Penal Law Sections 130.25(2), 130.30(1), 130.35(3), 130.55, 130.60(2), and 130.65(3) and (4).

(Title 18, United States Code, Sections 2422(b) and 2.)

COUNT TWO

(Attempted Sexual Exploitation of a Minor)

2. In or about June 2018, in the Southern District of New York and elsewhere, JOEL DAVIS, the defendant, willfully and knowingly attempted to and did employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing or having reason to know that such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and attempted to do so, to wit, DAVIS communicated with an undercover FBI agent through cellular telephone conversations and messages about inducing a minor to participate in sexually explicit conduct for the purpose of producing a visual image of such conduct that would be sent to DAVIS through cellular telephone messages.

(Title 18, United States Code, Sections 2251(a), (e), and 2.)

COUNT THREE

(Possession of Child Pornography)

3. From in or about May 2018 up to and including in or about June 2018, in the Southern District of New York and elsewhere, JOEL DAVIS, the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, DAVIS possessed images of child pornography, including images of a prepubescent minor who had not attained 12 years of age, on a smart phone device located in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2), and 2.)

COUNT FOUR

(Receipt and Distribution of Child Pornography)

4. From at least in or about May 2018 up to and including at least in or about June 2018, in the Southern District of New York and elsewhere, JOEL DAVIS, the defendant, knowingly did receive and distribute material that contains child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by smart phone device, to wit, DAVIS made available for distribution sexually explicit images and videos of minors using a smart phone device in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(2)(B), (b)(1), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

5. I am a Special Agent with the FBI and have been so employed for approximately nine years. I am assigned to an FBI squad charged with enforcing federal laws prohibiting child pornography and other forms of child exploitation. As such, I have worked on numerous investigations and prosecutions involving minor victims and the adults who victimize these children. This affidavit is based upon my personal participation in the investigation of this matter, as well as on my conversations with other law enforcement officers and my examination of documents, reports, and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

6. As described in greater detail below, based on my involvement in the investigation, I have learned, among other things, that from on or about May 16, 2018, through on or about June 25, 2018, JOEL DAVIS, the defendant, exchanged text messages with FBI agents acting in an undercover capacity ("UC-1" and "UC-2") in which DAVIS sent sexually explicit images and videos of

infants and expressed his desire to engage in sexual activity with underage children. During the course of his text messages with UC-2, DAVIS arranged to meet with a nine-year-old girl and a two-year-old girl with whom DAVIS could engage in sexual activity.

Investigation

7. Based on my involvement in the investigation, I know that on or about May 15, 2018, law enforcement officers with the FBI posted a message in a fetish website for classified advertisements which, based on UC-1's experience and information gathered from other sources, is an area of the site frequented by individuals with a sexual interest in children, among other fetishes. The message read: "Looking for other no limits TABOO pervs in DC area. Bi dad here." On or about May 15, 2018, an individual using the screenname "yngperv22" who was subsequently identified as JOEL DAVIS, the defendant, responded to UC-1's message, stating: "Need me to come down and watch ur kids for a night :)." UC-1 provided his cellular telephone number to DAVIS and began a text communication with DAVIS.

8. Based on my involvement in the investigation, I know that from on or about May 16, 2018, through on or about May 29, 2018, UC-1 exchanged text messages with JOEL DAVIS, the defendant. Based on my review of those text messages, I have learned, in sum and substance, the following:

a. During the course of their text conversations, DAVIS stated that he is into children age "0+" and has "[n]o limits." DAVIS told UC-1 that he has sexual experience with a nine-month-old boy, six-year-old girl, and seven-year-old boy.

b. UC-1 informed DAVIS that he has an eight-year-old daughter, to which DAVIS replied: "If ur legit I'd love to come down and eat her pussy."

c. During the course of their text conversations, DAVIS told UC-1 that he has baby images and videos and sent UC-1 the following images: (1) an image of a toddler female performing oral sex on an adult penis; (2) an image of a clothed toddler female between the legs of an adult male, who has his erect penis near the toddler's face; (3) an image of what appears to be a prepubescent child spreading his/her anus; (4) an image of a toddler boy being penetrated in the anus by an adult penis; (5) an image of a naked infant child lying down; (6) an image of a crying infant, with an erect penis near the infant's face; (7) an image of a naked infant lying on a

blanket, with a penis in close proximity to the infant; and (8) a naked female toddler lying naked on his back, with an adult male placing his penis near the child's vagina.

9. Based on my involvement in the investigation, I know that from on or about May 29, 2018, through on or about June 25, 2018, UC-2 exchanged text messages with JOEL DAVIS, the defendant. Based on my review of those text messages, I have learned, in sum and substance, the following:

a. DAVIS told UC-2 that he lives in the Upper East Side in Manhattan, at 5th Avenue and 105th Street.

b. During the course of their text conversations, DAVIS stated that he has "[n]o limits" and is interested in children aged "0+," "both" girls and boys. DAVIS said he had "tried" to have sexual intercourse with a seven-year-old boy in the past "but i couldn't get it in and he was struggling to[o] much." DAVIS said he had "fingered" a three-year-old girl and told UC-2 that he "love[s] a baby cunt."

c. UC-2 told DAVIS that he has a nine-year-old daughter. DAVIS wrote: "God id love to eat her pussy" and "We can watch baby vids too" "While u fuck her mmmm," and told UC-2 "I just want her cunt" and "I want to eat her cunt so bad."

d. During the course of their text conversations, DAVIS repeatedly asked UC-2 to take naked pictures and videos of UC-2's nine-year-old daughter and the two-year-old daughter of UC-2's girlfriend, and to send the pictures and videos to DAVIS.

e. During a text conversation with UC-2 at approximately 10:00 p.m. on June 25, 2018, DAVIS asked UC-2 about his nine-year-old daughter and asked, "When am I going to meet her?," and "What are you doing tonight?"

f. DAVIS wrote to UC-2 that he has "hundreds" of images of child pornography in his "collection," "Mostly baby/toddler".

g. DAVIS then asked about the two-year-old daughter of UC-2's girlfriend: "When do u have that baby alone next," to which UC-2 replied, "Prob this weekend," to which DAVIS replied, "I mean even for a few mins enough to FaceTime".

h. In text conversations discussing the two-year-old daughter of UC-2's girlfriend, DAVIS asked UC-2: "How often you get some ;)" and "When's the last time you fingered her," to

which UC-2 replied: "Over the weekend." DAVIS clarified: "Ate her baby pussy too!" "?*"

i. DAVIS asked UC-2: "Do u have anything of ur older girl or the baby," to which UC-2 replied, "jus the baby." DAVIS responded: "what do u have", "What is it Of" and clarified, "I mean do you have anything of your baby." When UC-2 indicated that he has pornographic photographs of the two-year-old girl, DAVIS replied: "Oh fuck yes", "Wanna trade"?

j. During the course of their text conversations, DAVIS told UC-2 that he has baby images and videos and sent UC-2 the following images and videos: (A)

- i. ~~an image depicting an adult male performing oral sex on what appears to be a toddler female, which image appears to be a photograph of a laptop computer on which the explicit image is displayed;~~ (A)
- ii. an image depicting a female child, approximately under the age of five, with her hands on an erect penis and her mouth near the tip of the penis;
- iii. ~~an image depicting a clothed female toddler between the legs of an adult male, who has his erect penis near the toddler's face;~~ (A)
- iv. ~~an image of what appears to be a prepubescent child lying on top of another child, with someone using their hands to spread the child's buttocks apart, exposing the child's anus;~~ (A)
- v. ~~an image depicting a toddler boy being penetrated in the anus by an adult male's penis;~~ (A)
- vi. ~~an image depicting a fully nude toddler female lying on her back while an adult male holds his erect penis near the child's vagina; and~~ (A)
- vii. ~~a series of three images depicting an infant, in at least one of which the infant appears to be crying while an erect penis is depicted near the infant's face.~~ (A)

10. During a search pursuant to a lawful premises search warrant, law enforcement officers recovered numerous images and videos containing child pornography from the cellphone of JOEL DAVIS, the defendant, which images and videos depicted infants and toddlers.

11. JOEL DAVIS, the defendant, was thereafter advised of his *Miranda* rights, waived those rights, and agreed to speak with law enforcement officers. DAVIS stated the following, in substance and in part:

a. DAVIS is the user associated with username "yngperv22" on the fetish website (*see supra* ¶ 8);

b. DAVIS used his cellphone to exchange text messages with UC-1 and UC-2;

c. DAVIS was in Manhattan, New York when he was exchanging text messages with UC-1 and UC-2;

d. DAVIS confirmed that he was the person who traded child pornography on his cellphone;


e. DAVIS keeps child pornography on his phone and is particularly interested in infants and toddlers;

f. DAVIS confirmed that he asked UC-1 and UC-2 to send him photographs and videos of child pornography, including that of the two-year-old daughter of UC-2's girlfriend;


g. DAVIS admitted that he was attempting to arrange meetings with UC-1 and UC-2 and their young daughters, including the two-year-old daughter of UC-2's girlfriend. DAVIS told law enforcement officials that he wants to think he would not have shown up to those meetings, but admitted that he may have if he had been certain that UC-1 and UC-2 were not law enforcement; and

h. DAVIS said that in approximately June 2018, he met a 13-year-old boy on the cellular telephone app Grindr and communicated on Snapchat. DAVIS and the 13-year-old boy met in person at DAVIS's apartment in Manhattan, New York, and engaged in oral sex and digital penetration.

WHEREFORE, the deponent respectfully requests that JOEL DAVIS, the defendant, be imprisoned, or bailed, as the case may be.


AARON SPIVACK
Special Agent
Federal Bureau of Investigation

Sworn to before me this
26th day of June, 2018


KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK